

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jeffrey J. Fitzgerald

Application No.: 10/727,118

Confirmation No.: 4402

Filed: December 2, 2003

Art Unit: 2416

For: ETHERNET NETWORK AVAILABILITY

Examiner: P. B. Nguyen

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated March 31, 2009, please amend the above-identified U.S. patent application as follows. A Petition for Extension of Time, extending the time for response by three months to September 30, 2009, is filed concurrently herewith.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.